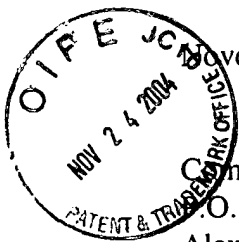




1299 PENNSYLVANIA AVE., NW  
WASHINGTON, DC 20004-2402  
PHONE 202.783.0800  
FAX 202.383.6610  
A LIMITED LIABILITY PARTNERSHIP



November 24, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U. S. Patent Appl. No. 10/823,774  
Filed: April 14, 2004  
For: **ELECTRICAL STIMULATION FOR TREATING NEUROPATHY USING  
ASYMMETRIC BIPHASIC SIGNALS**  
Inventor: David B. Phillips  
Our Ref: 05610.0002.NPUS00

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Information Disclosure Statement;
2. Form PTO/SB/08a (1 page) with 19 attached references; and
3. Return postcard.

It is respectfully requested that the attached postcard be stamped with the filing date of these documents and returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No.08-3038 referencing docket number 05610.0002.NPUS00. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned. A duplicate copy of this letter is enclosed.

Respectfully submitted

A handwritten signature in black ink, appearing to be "CJB", written over the typed name.

Michael J. Bell (Reg.No. 39,604)  
Andrew Sommer (Reg. No. 53,932)

Enclosures



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of: David B. PHILLIPS

Appl. No. 10/823,774

Filed: April 14, 2004

For: **ELECTRICAL STIMULATION FOR  
TREATING NEUROPATHY USING  
ASYMMETRIC BIPHASIC SIGNALS**

Art Unit: 3736

Examiner: Unassigned

Atty. Docket: **05610.0002.NPUS00**

### Information Disclosure Statement

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO/SB/08a are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO/SB/08a based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not

exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ✓ 1. This Information Disclosure Statement is being filed;
  - ☐ a. Within three months of the U.S. filing date of a national application other than a continued prosecution application under §1.53(d);
  - ☐ b. Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
  - ✓ c. Before the mailing date of a first Office Action on the merits;
  - ☐ d. Before the mailing of a first Office Action after filing of a request for continued examination under § 1.115.

No statement under 37 C.F.R. § 1.97(e) or fee is required.

or;

- ☐ 2. This Information Disclosure Statement is being filed after the period specified in paragraph 1(a)-1(d) above, but before the mailing date of a Final Rejection or Notice of Allowance, or action that otherwise closes prosecution in the application, and
  - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1), or
  - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c)

more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2), or

- ☐ c. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(i), and
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1), or
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding International Patent Application. An English language version of the International Search Report (ISR) is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_ which is directed to related technical

subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ✓ 8. Copies of U.S. patents and published applications are not attached since the application was filed after June 30, 2003. US PTO OG Notices: August 5, 2003.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08a and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number **05610.0002.NPUS00.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. J. Bell", with a large, stylized flourish at the end.

Michael J. Bell (Reg. No.39,604)  
Andrew Sommer (Reg. No. 53,932)

Date: 11/24/04

HOWREY SIMON ARNOLD & WHITE, LLP  
2941 Fairview Park Drive, Box 7  
Falls Church, VA 22042  
(202) 783-0800

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

**Complete if Known**

Application Number	10/823,774
Filing Date	April 14, 2004
First Named Inventor	David B. PHILLIPS
Art Unit	3736
Examiner Name	
Attorney Docket Number	05610.0002 NPUS00

Sheet

1

of

4

Attorney Docket Number

05610.0002.NPUS00

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> ( <i>if known</i> )				

**Examiner  
Signature**

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/823,774		
		Filing Date	April 14, 2004		
		First Named Inventor	David B. PHILLIPS		
		Art Unit	3736		
		Examiner Name			
Sheet	2	of	4	Attorney Docket Number	05610.0002.NPUS00

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	5	D.B. Phillips, "A Monograph By David B. Phillips, Ph.D" 6 pages (available prior to April 14, 2004).	
	6	"ReBuilder Unveils New Treatment for Peripheral Neuropathy Sufferers", 4 pages, available at <a href="http://www.rebuildermedical.com/pressrelease61803.htm">http://www.rebuildermedical.com/pressrelease61803.htm</a> , (printed September 23, 2003).	
	7	"ReBuilder(TM) Makes it's Debut for the Treatment of Neuropathy", 3 pages, available at <a href="http://www.rebuildermedical.com/pressrelease1.htm">http://www.rebuildermedical.com/pressrelease1.htm</a> (printed on September 23, 2003).	
	8	Baker et al. "Effects of Electrical Stimulation on Wound Healing Patients with Diabetic Ulcers" (Abstract only), Diabetes Care, 20:3, pp. 405-12 (1997).	
	9	Pepin Mfg. Inc., "E-Stim Units", 8 pages, available at <a href="http://pepinmfg.com/TENS%20units.htm">http://pepinmfg.com/TENS%20units.htm</a> , (printed on March 3, 2004).	
	10	Hopkins et al. "Cryotherapy and Transcutaneous Electric Neuromuscular Stimulation Decrease Arthrogenic Muscle Inhibition of the Vastus Medialis After Knee Joint Effusion", J. Athl. Train. 37:1, 25-31, pp. 25-31 (March 2002) (web-version available at <a href="http://www.pubmedcentral.nih.gov">http://www.pubmedcentral.nih.gov</a> )	
	11	Empi, "Epix VT, Epix XL: Transcutaneous Electrical Nerve Stimulation (TENS) Devices", 4 pages, available at <a href="http://www.empi.com/products/tens.cfm">http://www.empi.com/products/tens.cfm</a> .	
	12	McGill, "Description and comparison of traditional T.E.N.S. or Dr-Ho's T.E.N.S.", 3 pages (June 2002).	
	13	Neuropathy Trust, "Diabetic Neuropathy: Physical & Psychological Measures", 2 pages, available at <a href="http://www.neuropathy-trust.org/mainpages/education/dn/page13.htm">http://www.neuropathy-trust.org/mainpages/education/dn/page13.htm</a> (printed on September 25, 2003).	

Examiner  
SignatureDate  
Considered

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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		Application Number	10/823,774		
		Filing Date	April 14, 2004		
		First Named Inventor	David B. PHILLIPS		
		Art Unit	3736		
		Examiner Name			
Sheet	3	of	4	Attorney Docket Number	05610.0002.NPUS00

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	14	Neuro-Care, "Neuro-Care Applications," 4 pages, available at <a href="http://www.neurocare.com/introa.html">http://www.neurocare.com/introa.html</a> (printed on September 25, 2003).	
	15	Biomedical Life Systems, "TENS", 2 pages, available at <a href="http://www.bmls.com/English/Products/Devices/Tens/tens.html">http://www.bmls.com/English/Products/Devices/Tens/tens.html</a> (Printed on September 25, 2003).	
	16	Home Medical Supplies Central, "Electrical stimulation is used to treat pain and for muscle stimulation," 3 pages, available at <a href="http://www.medical-supplies-4u.net/electrotherapy.html">http://www.medical-supplies-4u.net/electrotherapy.html</a> (printed on September 25, 2003).	
	17	ReBuilder Medical, L.L.C., "We have conducted our own research", 6 pages, available at <a href="http://www.rebuildermedical.com/physiologicalbasisfortherebu.htm">http://www.rebuildermedical.com/physiologicalbasisfortherebu.htm</a> (printed on November 14, 2003).	
	18	Rebuilder Medical, L.L.C., "Product Description", 3 pages, available at <a href="http://www.rebuildermedical.com/Products/ProductDescription.htm">http://www.rebuildermedical.com/Products/ProductDescription.htm</a> (printed on November 4, 2003).	
	19	ReBuilder Medical, L.L.C., "Order Page", 8 pages, available at <a href="http://www.rebuildermedical.com/Products.OrderPage.htm">http://www.rebuildermedical.com/Products.OrderPage.htm</a> (printed on November 4, 2003).	
	20	EPIX XL, "Advancing the Limits of TENS Technology", 3 pages (December 2001).	
	21	ReBuilder Medical, L.L.C., "Directions for Conductive Gloves", 2 pages, available at <a href="http://www.rebuildermedical.com/1SUPPLIES/Directions...">http://www.rebuildermedical.com/1SUPPLIES/Directions...</a> (printed on March 11, 2004).	
	22	ReBuilder Medical L.L.C., "Electronic Adjunctive Therapy" 5 pages (available prior to April 14, 2003).	

Examiner  
SignatureDate  
Considered

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/823,774
Filing Date	April 14, 2004
First Named Inventor	David B. PHILLIPS
Art Unit	3736
Examiner Name	
Attorney Docket Number	05610.0002.NPUS00

Sheet	4	of	4
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**NON PATENT LITERATURE DOCUMENTS**Examiner  
Initials\*Cite  
No.<sup>1</sup>

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

T<sup>2</sup>

23

cefar, "EMS (Electrical Muscle Stimulation)", 3 pages, available at  
[http://medical.cefar.se/Eng\\_behandling.nmes.asp](http://medical.cefar.se/Eng_behandling.nmes.asp) (printed on September 25, 2003).Examiner  
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